

Chapter 1

GENERAL

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Article 1-1

HOW CODE DESIGNATED AND CITED

Sections:

1-1-1 Code Designation

Section 1-1-1 Code Designation

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of the Town of Fountain Hills, Arizona," and may be so cited. Such code may also be cited as the "Fountain Hills Town Code."

Article 1-2

CONSTRUCTION OF ORDINANCES

Sections:

1-2-1 Ordinance Construction

Section 1-2-1 Ordinance Construction

The rules and the definitions set forth in this chapter shall be observed in the construction of this code and the ordinances of the town unless such construction would be inconsistent with either the manifest intent of the council, this code or the ordinances of the town.

Article 1-3

DEFINITIONS

Sections:

1-3-1 General Rule Regarding Definitions

1-3-2 Definitions

Section 1-3-1 General Rule Regarding Definitions

All words and phrases shall be construed and understood according to the common and approved use of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Section 1-3-2 Definitions

- A. Acts by Agents. When an act is required to be done which may by law as well be done by an agent as by the principal, such requirements shall be construed to include all such acts when done by an authorized agent.
- B. And, Or. "And" may be read "or," and "or" may be read "and," if the sense requires it.
- C. Bond. When a bond is required, an undertaking in writing shall be sufficient.
- D. Code. The municipal code of the Town of Fountain Hills, unless the context indicates otherwise.
- E. Council. The town council of the Town of Fountain Hills.
- F. County. Maricopa County, Arizona unless the context clearly requires otherwise.
- G. Day. The period of time between any midnight and the midnight following.
- H. Daytime, Nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.
- I. Department, Board, Commission, Office, Officer or Employee. Whenever any "department, board, commission, office, officer or employee" is referred to, it shall mean a department, board, commission, office, officer or employee of the town unless the context requires otherwise.
- J. Gender; Singular and Plural. Words of the masculine gender include the feminine; words in the singular include the plural and words in the plural include the singular.
- K. Joint Authority. All words purporting to give a joint authority to three or more town officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.
- L. Keeper, Proprietor. Includes persons, firms, associations, corporations, clubs and partnerships,

whether acting by themselves or through an agent, servant or employee.

- M. Month. A calendar month.
- N. Oath. "Oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".
- O. Owner. The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of part of such building or land.
- P. Person. Includes a corporation, company, partnership, association or society as well as a natural person.
- Q. Personal Property. Every species of property, except real property as defined in this section.
- R. Preceding, Following. Next before and next after, respectively.
- S. Property. Includes lands, tenements and hereditaments and personal property.
- T. Public Place. Any thoroughfare, park, open space or building not privately owned or controlled.
- U. Real Property. Lands, tenements and hereditaments.
- V. Shall, May. "Shall" is mandatory and "may" is permissive.
- W. Shall Have Been. Includes past and future tenses.
- X. Sidewalk. Any portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.
- Y. Signature or Subscription by Mark. "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.
- Z. State. The State of Arizona unless the context clearly requires otherwise.
- AA. Street. Any alley, lane, court, boulevard, public way, public square, public place, sidewalk or thoroughfare.
- BB. Tenant or Occupant. The word "tenant" or "occupant" applied to a building or land shall include any person holding a written or an oral lease of, or who occupies the whole or part of such building or land, either alone or with others.
- CC. Tenses. The present tense includes the past and future tenses, and the future includes the present.
- DD. Time: Computation. The time within which an act is to be done as provided in this code or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Saturday, Sunday or

holiday it shall be excluded; and when such time is expressed in hours, the whole of Saturday, Sunday or a holiday, from midnight to midnight, shall be excluded.

- EE. Time: Reasonable. In all cases where any section of this code shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.
- FF. Town. The Town of Fountain Hills, Maricopa County, Arizona, except as otherwise provided. The words "in the town" or "within the town" shall mean and include all territory over which the town has jurisdiction for the exercise of its police powers or other regulatory powers as authorized by statute.
- GG. Week. A week consists of seven consecutive days.
- HH. Writing. Any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless expressly provided otherwise.
- II. Year. A calendar year unless otherwise provided.

Article 1-4

REFERENCE TO CHAPTERS, ARTICLES OR SECTIONS: CONFLICTING PROVISIONS

Sections:

- 1-4-1 Additional Rules of Construction**
- 1-4-2 References to this Code**
- 1-4-3 Conflicting Provisions--Different Chapters**
- 1-4-4 Conflicting Provisions--Same Chapter**
- Section 1-4-1 Additional Rules of Construction**

In addition to the rules of construction specified in Articles 1-2 and 1-3, the rules set forth in this article shall be observed in the construction of this code.

Section 1-4-2 References to this Code

All references to chapters, articles or sections are to the chapters, articles and sections of this code unless otherwise specified.

Section 1-4-3 Conflicting Provisions--Different Chapters

If the provisions of different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

Section 1-4-4 Conflicting Provisions--Same Chapter

If conflicting provisions are found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction is inconsistent with the meaning of such chapter.

Article 1-5

SECTION HEADINGS

Sections:

1-5-1 Section Headings

Section 1-5-1 Section Headings

Headings of the several sections of this code are intended as a convenience to indicate the contents of the section and do not constitute part of the law.

Article 1-6

EFFECT OF REPEAL

Sections:

1-6-1 Effect of Repeal

Section 1-6-1 Effect of Repeal

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

Article 1-7

SEVERABILITY OF PARTS OF CODE

Sections:

1-7-1 Severability of Parts of Code

Section 1-7-1 Severability of Parts of Code

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this code shall be severable, and, if any provision of this code is held unconstitutional for any reason by a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining provisions of the code.

Article 1-8

PENALTY

Sections:

1-8-1 Penalty Provisions

Section 1-8-1 Penalty Provisions

- A. Any person found guilty of violating any provisions of this code, except as otherwise provided in this code, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed two thousand five hundred dollars or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

- B. Any violation of or failure or refusal to do or perform any act required by Chapter 12 of this code constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of A.R.S. Title 28, Chapter 6, Articles 20 and 21 and amendments thereto.

- C. Any person who is found or pleads guilty to a misdemeanor criminal offense in the municipal court and who, as a consequence, is incarcerated in any jail facility, may as a part of any sentence imposed by the municipal court, be required to reimburse the town for any costs of such incarceration charged to the town by the jail facility in which the person was incarcerated.

Article 1-9

REPEAL OF EXISTING ORDINANCES

Sections:

1-9-1 Effective Date of Repeal

1-9-2 Ordinances Exempt from Repeal

Section 1-9-1 Effective Date of Repeal

All ordinances of the town except those specially exempted in this article, now in force and effect are hereby repealed effective at twelve o'clock noon on the twenty-eighth day of June, 1990, but all rights, duties and obligations created by said ordinances shall continue and exist in all respects as if this code had not been adopted and enacted.

Section 1-9-2 Ordinances Exempt from Repeal

The adoption and enactment of this code shall not be construed to repeal or in any way to modify or affect:

- A. Any special ordinance or ordinances regarding franchises, annexations, dedications or zoning.
- B. Any ordinance making an appropriation.
- C. Any ordinance affecting any bond issue or by which any bond issue may have been authorized.
- D. The running of the statute of limitations in force at the time this code becomes effective.
- E. The continued existence and operation of any department, agency, commission or office heretofore legally established or held.
- F. Any bond of any public officer.
- G. Any taxes, fees, assessments or other charges incurred or imposed.
- H. Any ordinances authorizing, ratifying, confirming, approving or accepting any compact or contract with any other municipality, the State of Arizona or any county or subdivision thereof, or with the United States or any agency or instrumentality thereof.

Article 1-10

EFFECTIVE DATE OF CODE

Sections:

1-10-1 Effective Date

Section 1-10-1 Effective Date

Each and every section of this code as herein contained and hereby enacted shall take effect and be in force on and after twelve o'clock noon on the 28th day of June, 1990 except that where a later effective date is provided it shall prevail.